

ESTTA Tracking number: **ESTTA514002**

Filing date: **01/03/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Evan Papel		
Entity	Individual	Citizenship	UNITED STATES
Address	950 Aviation Blvd Hermosa Beach, CA 90254 UNITED STATES		

Attorney information	Scott Hervey Weintraub Tobin 9665 Wilshire Blvd 9th Floor Beverly Hills, CA 90212 UNITED STATES shurvey@weintraub.com, trademarks@weintraub.com Phone:310-860-3304		
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Applicant Information

Application No	85491147	Publication date	12/11/2012
Opposition Filing Date	01/03/2013	Opposition Period Ends	01/10/2013
Applicant	Sherritt, Andrea Lee Sock Pocket Socks 4712 Admiralty Way, Suite 806 Marina del Rey, CA 90292 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. First Use: 2007/03/06 First Use In Commerce: 2008/10/13
All goods and services in the class are opposed, namely: Apparel, namely, socks; Garments worn by mankind to adorn and cover, namely, socks

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	4200363	Application Date	03/19/2012
Registration Date	08/28/2012	Foreign Priority Date	NONE
Word Mark	POCKET SOCKS		

Design Mark	<h1>Pocket Socks</h1>
Description of Mark	NONE
Goods/Services	Class 025. First use: First Use: 1975/01/01 First Use In Commerce: 2002/06/15 Hosiery

Attachments	85573863#TMSN.jpeg (1 page)(bytes) Notice_Opposition_Papel.pdf (3 pages)(21909 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/smh/
Name	Scott Hervey
Date	01/03/2013

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Evan Papel)
Opposer,)
v.)
Andrea Lee Sherritt)
Application Serial No. 85491147)
Applicant.)
_____)

Opposition No.:

NOTICE OF OPPOSITION

Evan Papel (“Opposer”) an individual residing in the state of California, believes it will be damaged by registration of the mark SP SOCKPOCKET SOCK and Design (Serial No 85491147), and opposes the same.

As grounds for the opposition, Opposer alleges that:

1. Opposer offers for sale hosiery in connection with the mark POCKET SOCKS (“**Opposer's Mark**”).
2. Since no later than June 15, 2002, Opposer has continuously used Opposer's Mark in commerce in connection with hosiery.
3. Opposer has registered the Opposer's Mark in the United States Patent and Trademark Office and was issued federal registration number 4200363.
4. Opposer's registration is valid, subsisting and owned by Opposer. Opposer's Mark has acquired distinctiveness in accordance with 15 U.S.C. §§ 1052(f).
5. Opposer has offered/sold a substantial number of goods and services in connection with Opposer's Marks.
6. Opposer has spent significant sums advertising and promoting Opposer's Mark throughout the United States.
7. By virtue of the popularity of Opposer's goods offered in connection with Opposer's Mark, and its advertising and promotion of Opposer's Mark, Opposer has built up and now owns extremely valuable goodwill which is symbolized by the Opposer Mark.
8. On December 8, 2011, Andrea Lee Sherritt (“Applicant”), filed Application Serial No. 85491147 (“Application”) with the United States Patent and Trademark Office seeking

registration of the mark SP SOCKPOCKET SOCKS and Design for use with socks in International Class 25.

9. Use by Applicant of SP SOCKPOCKET SOCKS and Design for socks is likely to result in confusion, mistake, or deception with Opposer, or the goods marketed in connection with Opposer's Mark, or in the belief that Applicant or its SP SOCKPOCKET SOCKS and Design goods are in some way legitimately connected with, or licensed or approve by, Opposer.

10. Use by Applicant of SP SOCKPOCKET SOCKS and Design is without Opposer's consent or permission.

WHEREFORE, registration by Applicant of the Application would be damaging to Opposer.

Please debit our Deposit Account No. 501176 for the filing and any additional necessary fees.

Dated: January 3, 2013

Respectfully submitted,

Evan Papel

/smh/

Scott M. Hervey
WEINTRAUB TOBIN

Attorney for Opposer

CERTIFICATE OF SERVICE

I am a citizen of the United States, employed in the City of Beverly Hills, California and County of Los Angeles, California. My business address is 9665 Wilshire Blvd. 9th Floor, Beverly Hills, California 90212. I am over the age of 18 years and not a party to, nor interested in, the within action. On this date, I caused to be served the following document:

NOTICE OF OPPOSITION

X United States mail by placing such envelope(s) with postage thereon fully prepaid in the designated area for outgoing mail in accordance with this office's practice whereby the mail is deposited in a United States mailbox after the close of the day's business.

_____By personally delivering, or causing to be delivered, a true copy thereof to the person and at the address set forth below.

____ Via overnight courier.

____ Via facsimile, original to follow by United States Mail

Sherritt, Andrea Lee
4712 Admiralty Way, Suite 806
Marina del Rey California 90292

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.

Executed on January 3, 2013, at Beverly Hills, California.

/ac/

Adrienne Crayton